

2-5-2004

STATE ELECTORAL DISTRICTS. SAN FRANCISCO BAY AREA REGIONAL AUTHORITY BOARD. INITIATIVE CONSTITUTIONAL AMENDMENT.

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SECRETARY OF STATE
KEVIN SHELLEY
STATE OF CALIFORNIA

August 18, 2004

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPOSERS (04268)

FROM:

Brianna Lierman

BRIANNA LIERMAN
ELECTIONS ANALYST

RECEIVED

AUG 23 2004

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SUBJECT: FAILURE OF INITIATIVE #1032

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named INITIATIVE CONSTITUTIONAL AMENDMENT filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: STATE ELECTORAL DISTRICTS. SAN FRANCISCO BAY AREA
REGIONAL AUTHORITY BOARD.

SUMMARY DATE: 02/05/04

PROPOSER: Nancy Jewell Cross





SECRETARY OF STATE
KEVIN SHELLEY
STATE OF CALIFORNIA

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FEB 11 2004

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February 5, 2004

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS AND PROPONENTS
(04052)

FROM: *Brianna Lierman*
Brianna Lierman
Elections Analyst

SUBJECT: **INITIATIVE #1032**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**STATE ELECTORAL DISTRICTS.
SAN FRANCISCO BAY AREA REGIONAL AUTHORITY BOARD.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Nancy Jewell Cross
5744 Forbes Drive
Newark, CA 94560

(510) 793-3396

ELECTIONS DIVISION

1500 11TH STREET - 5TH FLOOR • SACRAMENTO, CA 95814 • (916) 657-2166 • WWW.SS.CA.GOV

OTHER PROGRAMS: STATE ARCHIVES, BUSINESS PROGRAMS, INFORMATION TECHNOLOGY, EXECUTIVE OFFICE, GOLDEN STATE MUSEUM, MANAGEMENT SERVICES, SAFE AT HOME, DOMESTIC PARTNERS REGISTRY, NOTARY PUBLIC, POLITICAL REFORM

STATE ELECTORAL DISTRICTS.
SAN FRANCISCO BAY AREA REGIONAL AUTHORITY BOARD.
INITIATIVE CONSTITUTIONAL AMENDMENT.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required:..... 598,105
California Constitution, Article II, Section 8(b)
2. Official Summary Date:Thursday, 02/05/04
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336)..... Thursday, 02/05/04
 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a))Monday, 07/05/04*
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b)). Thursday, 07/15/04

(If the Proponent files the petition with the county on a date prior to 07/05/04, the
county has eight working days from the filing of the petition to determine the total
number of signatures affixed to the petition and to transmit the total to the
Secretary of State) (EC §9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties..... Saturday, 07/24/04**
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(EC §9030(d)(e)) Friday, 09/03/04

*Date adjusted for actual deadline, which falls on a Sunday/Holiday (EC §15).

**Date varies based on the date of county receipt of verification.

INITIATIVE #1032

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 07/24/04, the last day is no later than the thirtieth day after the county's receipt of notification).(EC §9030(d)(e)).

- f. If the signature count is more than 657,916 or less than 568,200 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 568,200 and 657,916 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f)(g); 9031(a))..... Monday, 09/13/04*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (EC §9031(b)(c))..... Tuesday, 10/26/04

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 09/13/04, the last day is no later than the thirtieth working day after the county's receipt of notification) (EC §9031(b)(c)).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033) Saturday, 10/30/04*

*Date varies based on receipt of county certification.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555

Facsimile: (916) 324-8835
Phone: (916) 324-5464

FILED

February 5, 2004

in the office of the Secretary of State
of the State of California

Kevin Shelley
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, California 95814

FEB 05 2004

KEVIN SHELLEY, Secretary of State

By *Bianna Lieberman*
Deputy Secretary of State

RE: Initiative Title and Summary
SUBJECT: STATE ELECTORAL DISTRICTS.
SAN FRANCISCO BAY AREA REGIONAL AUTHORITY BOARD.
INITIATIVE CONSTITUTIONAL AMENDMENT.
FILE NO: SA2003RF0060, Amdt. #3-NS

Dear Mr. Shelley:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed our title and summary to the proponent of the above-identified proposed initiative.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of service.

Sincerely,

Tricia Knight

TRICIA KNIGHT
Initiative Coordinator

For **BILL LOCKYER**
Attorney General

TK/cw
Enclosures

Date: February 5, 2004
File No.: SA2003RF0060,
Amdt. #3-NS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

STATE ELECTORAL DISTRICTS. SAN FRANCISCO BAY AREA REGIONAL

AUTHORITY BOARD. INITIATIVE CONSTITUTIONAL AMENDMENT. Establishes new criteria/methods for defining state legislative, congressional and other statewide election districts, based on division of State into "State Districts" equal in number to number of California Representatives in United States Congress (currently 53). Replaces fixed membership numbers for Assembly and Senate with membership numbers varying according to number of "State Districts." Creates "State Demographer" position to oversee establishment of "State Districts." Establishes 10-member San Francisco Bay Area regional authority board responsible for determining transportation development priorities and funding allocations for region, replacing Metropolitan Transportation Commission. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would have the following major fiscal effects: (1) one-time state and local government costs for elections and redistricting in the low tens of millions of dollars; (2) shift of redistricting costs from state to local governments of several million dollars every ten years; and (3) future state savings from fewer special elections. Instances of savings would likely be infrequent, but could exceed \$1 million for each election.

REGIONAL TRANSPORT AUTHORITY AND
STATE/FEDERAL LEGISLATIVE DISTRICTS

FAIR REPRESENTATION INITIATIVE
California State Constitution Initiative Proposed



Attorney General Bill Lockyer
Attn.: Tricia Knight, Initiative Coordinator/SSA
Government Section (916)324-5490, fax (916)323-2137

Your File #SA2003RF0060, Amdt 2-S
<http://caag.state.ca.us/initiatives>

Dear Ms. Knight:

December 15, 2003

I request herethree, in my evaluation, technical, non-substantive corrections to make the proposed state constitution text clear and consistent and constitutional calibre.

1. On page 1, 3rd line from end & 4th word from right, make "districts".
2. In the long-lines first paragraph on page 2, fourth line from the end of the paragraph, in the sentence beginning on that line, the deletion of five words will help to meet the standard of clarity, consistency, and constitutional calibre without changing what people would have to conclude in the sentence read in context with the rest of the paragraph after struggling unnecessarily with the prolixity and convolution! The words remaining in that sentence on that line are: "After the first election for the ten seats, the two prevailing in". Maybe you would add "candidates" after "two", and if that is used instead of only deleting five words, I have no objection.

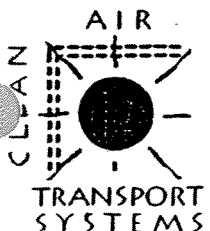
3. On page 2 near the end, the title in B. needs correction to this century! The operative statement immediately following, "After the national census under the" would control over the title because it is the command, and also because of necessity to make sense in the context. If left uncorrected, it would reflect on government for failure to do a competent job in readying text for publication!

These corrections are classifiable as technical and non-substantive. Please let me know their acceptability to you. Enclosed is a complete copy of the proposed initiative with corrections.

Nancy Jewell Cross
Nancy Jewell Cross, Proponent
Fair Representation Initiative
(510) 793-3396
5744 Forbes Drive
Newark, California 94560

Enclosure: Two pages with the corrections
1 and 3 above, allowed by T.K. on 12/16/03.

CLEAN AIR TRANSPORT SYSTEMS
Regional & Interregional Developers



Dr. Nancy Jewell Cross, Ph.D.
Chief Executive Officer
5744 Forbes Drive
Newark, California 94560
Treasurer for
"Fair Representation Initiative"
Daphne P. Leung

RECEIVED
DEC 23 2003

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

STATE/FEDERAL LEGISLATIVE AND REGIONAL TRANSPORT AUTHORITY DISTRICTS

- ◆ Using State Demographer, regional associations of governments, and startup neutral structure, the measure morphs 173 party-gerrymandered legislative districts in California into the number of its Representatives in Congress, now 53, county cluster-based State Districts whose voters choose at-large two State Assemblypersons, one State Senator, and one Representative to Congress; and
- ◆ Districts the Bay Area into five equal population districts for directly electing two persons at-large without other government positions--with voting nonpartisan, order-of-preference--to a 10-member regional, including transportation funding, authority replacing the 19-appointees' Metropolitan Transportation Commission.

NOTICE TO THE PUBLIC - THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

To the Honorable Secretary of State of California: We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County) hereby propose amendments to the Constitution of California relating to districting and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding statewide election. The proposed amendments to the Constitution revise Section 6 of Article IV and Section 1 of Article XXI including their titles, to read as follows:

Section 1. ARTICLE IV, Section 6 - STATE DISTRICTS AND BAY AREA REGION DISTRICTS

A. State Districts

The State is divided into State Districts whose number at all times equals the number of Representatives in Congress from California. From each State District are elected at-large two people to the State Assembly, one person to the State Senate, and a Representative to Congress. Districts for elections statewide, including but not limited to State Board of Equalization districts, shall be comprised of State Districts, and to the extent fair and feasible, County Clusters, described in Article XXI, Section 1. Vacancies in the offices here mentioned may be filled only by election in the State District involved, and if at a Special Election not preceded by primaries, only by Order of Preference voting to prevalence by majority, not mere plurality, if necessary by a subsequent election, from candidates, including those state party-free, required to procure the same number of signatures from equal pools for nomination to have their names on the ballot.

B. Bay Area Region Districts

Central California's nine-county Bay Area is divided into five subregional districts of equal population by the 2000 U.S. decennial census from communities identified by the Association of Bay Area Governments (ABAG) for general planning purposes particularized in the table accompanying. Promptly after publication of results of subsequent decennial censuses, ABAG shall update the descriptions of the five subregional districts with the boundaries, maybe changed communities at that time to maintain equal populations of the five districts based on the latest decennial census and to maintain insofar as possible within single districts, ports and major bridges. [The proposed amendments to the Constitution are continued on the reverse side of this sheet.]

At the election in the Bay Area Region next following adoption of this amendment to the Constitution, voters in the five districts shall determine by nonpartisan, Order of Preference voting to prevalence by majority, not mere plurality, if necessary by a subsequent election, in each district at-large two persons to a 10-member regional authority board, replacing the 19-appointees' Metropolitan Transportation Commission--and federacy of the people, confederacy of agencies in the region, for determining transportation development priorities and funding allocations for the region and such other jurisdiction and obligations as the State Legislature may determine. The Legislature, not the board, shall by statute determine appropriate compensation from the State to the members of the regional authority board for essentially "full-time" work. All vacancies on the regional authority board shall be filled by election in the subregional district involved. After the first election for two members for each of the ten seats, the two prevailing in each district shall draw for one member to have a two-year term, and the other a four-year term. Other than for filling an uncompleted term, after that, terms shall be for four years with a maximum continuous occupancy of the office by one person, ten years.

STATE DISTRICTS

BY COUNTY CLUSTER

Cluster	State Districts	Counties and #
A	One - #1	11
	Del Norte, Siskiyou, Humboldt, Glenn, Trinity, Mendocino, Modoc, Shasta, Lassen, Plumas, and Tehama.	
B	One - #2	8
	Colusa, Sutter, Nevada, Yuba, Napa, Sierra, Lake, and Butte.	
C	Two - ##3 & 4	3
	Sonoma, Solano, and Marin.	
D	One - #5	9
	Mariposa, Tuolumne, Calaveras, Mono, El Dorado, Alpine, Amador, Placer, and Madera.	

THE FIVE DISTRICTS OF
REGIONAL TRANSPORT AUTHORITY/
CALIFORNIA BAY AREA BY ABAG
SUBREGIONAL PLANNING AREAS,
MAJOR BRIDGES, AND PORTS

SOUTHERN DISTRICT

San Jose International Airport.
Exclusively Santa Clara County:
San Jose, Santa Clara, Milpitas, Cupertino, Campbell, Morgan Hill, Gilroy, Los Gatos, Santa Clara, Monte Sereno, and San Martin and other unincorporated rural area remainder north, south, and east to county lines with Alameda, Santa Cruz, San Benito, and San Mateo Counties, excluding lands identified for East Central District.

EAST CENTRAL DISTRICT

Antioch Bridge (shared), Dumbarton Bridge, and Port of Redwood City.

In San Mateo County:

East Palo Alto, Menlo Park, Atherton, Portola Valley, Woodside, Stanford University corpus unincorporated,* and Redwood City (including North Fair Oaks and Emerald Lake unincorporated). The six areas identified preceding the * and Palo Alto and Stanford University corpus unincorporated (see below) are referred to collectively as *Quitoland*, named after San Francisquito Creek to which they are riparian, and county boundary.

In Santa Clara County:

Palo Alto, Los Altos (including Loyola), Stanford University corpus, unincorporated, Mountain View, and Sunnyvale.

In Alameda County:

Union City, Newark, Fremont, Dublin (including East Dublin and West Dublin), Pleasanton, Livermore (including North Livermore), and Livermore Valley unincorporated area outside any city's sphere of influence, to the north and east.

In Contra Costa County:

Contra Costa, Pittsburg (including Bay Point), Clayton, Antioch, Oakley, Brentwood, Sand Hill outside the Antioch and Brentwood spheres, Rural East Contra Costa County, Discovery Bay, Bethel Island, and other rural communities unincorporated in the eastern part of Contra Costa County.

The regional authority shall put measures for funding transportation projects on the ballot only after public hearings on all-modes alternatives and impacts, following dissemination of reports exploring benefits/costs and bay area-wide systems impacts *comparatively among transportation alternatives and combinations*. The authority shall not present voters with laundry lists of unstudied projects, or funding pots by categories such as bridges, highways, local roads, and transit en masse without line item veto possibilities, for voter approval of funding on the ballot. Order of Preference among alternative scenarios on the ballot shall be preferred when possible.

The Legislature may determine other agencies for the Bay Area the same geographically, to have elected boards, and, if so, the same five districts shall be used therefor. In all cases of regional elective office, and wherever in the State--including but not limited to the regional board with responsibilities for transportation development and funding in the Bay Area--a person may not, at the time of taking out nomination papers or while holding an elected regional office, hold other elected or appointed government office or employment or other incompatibilities or conflicts proscribed by general law, nor shall government charge directly or indirectly, candidates for nomination and candidacy papers, printing of statements in official election materials, or for radio, TV, Internet, or other communications to prospective voters of candidate image, views, and/or qualifications for the regional office.

Section 2. ARTICLE XXI, Section 1 - PROCESS TO DETERMINE STATE DISTRICTS

A. On Adoption of This Amendment

Immediately following adoption of this Amendment to the Constitution, the State Districts so far as shown in the table accompanying by County Cluster shall be in effect. The State elected official to nonpartisan office who at the most recent general election at which more than one nonpartisan office holder was elected, achieved the highest number of votes shall, in role of State Demographer, issue Call to

Associations and Councils of Governments involved with a multi-State District county or nonwhole county/ies' State District by the current Cluster Table, in fully public proceedings with independent proposals evaluated on the same basis as those from a public official or public agency, to initiate and within four months finally assemble adjacent subregional planning areas used for general planning purposes insofar as feasible in equal population State Districts respecting communities and

each port and major bridge entirely in a single State District, and transmit the results of the studies and determination to the State Demographer. The State Demographer shall then assemble the determinations of the several associations and councils in composite tables, maps, and descriptions, and without change, transmit them to the Governor of California. The Governor of California, without changing the substance of the regional bodies' determinations shall forthwith make Proclamation of the State Districts of California to continue until changed after the 2010 census process described below. The State Districts of California shall be respected as law by the State Legislature and all agencies of government and be fully in effect for the nearest elections after the date of the Proclamation.

B. After the 2010 U.S. Decennial Census

After the national census under the direction of Congress in 2010 and following, the State Demographer shall publish over the Internet and enable most public libraries in the State to make accessible to the public in alternative formats,

(1) the relevant populations of California and the counties from the latest and recent decennial censuses, in numbers and decimals to four places of the State's population divided by the number of Representatives to Congress to which California was entitled for the decade. The decimal is called the State District Entitlement Decimal (SDED), with "1.0000" representing population for one State District. (2) graphic(s) and tables of one or more "best fits" in assembling counties to near integrals representing the number of State Districts by cluster for population equity between State Districts by County-Clusters. The table here illustrates this for the decade in which this amendment to the Constitution was proposed.

(3) Make Call for Public Comment and Alternative Scenarios, which shall be promptly added to the Internet site(s) and public library materials. Based on the information available, the State Demographer shall after approximately two months determine the State Districts by County Cluster and issue Call to Associations and Councils of Government described in A, above. The process described in A continues until the Governor's Proclamation and elections following.

Section 3. Severability

If any provision of this measure is determined to be invalid, illegal, or unenforceable in any respect, the remaining provisions shall be enforced consistently with the overall intent.

SA2003RF0060, Amdt #3N

STATE DISTRICTS--continued

Cluster	State Districts	Counties and #
E	Three - ##6, 7, 8	3
	Sacramento, San Joaquin, and Yolo.	
F	Four - ##9 - 12	3
	Contra Costa, San Francisco, & San Mateo.	
G	Five - ##13 - 17	3
	Alameda, Santa Clara, & San Benito	
H	One - #18	2
	Stanislaus and Merced.	
I	One - #19	2
	Santa Cruz and Monterey.	
J	Two - ##20 & 21	4
	Fresno, Inyo, Tulare, and Kings.	
K	One - #22	2
	Santa Barbara and San Luis Obispo.	
L	One - #23	1
	Kern.	
M	Sixteen - ##24 - 39	2
	Los Angeles and Ventura.	
N	Five - ##40 - 44	2
	San Bernardino and Riverside.	
O	Nine - ##45 - 53	3
	San Diego, Orange, and Imperial.	

NORTHERN DISTRICT

Benicia-Martinez Bridge, Carquinez Bridges, Richmond-San Rafael Bridge (shared), Port of Benicia, and Port of Vallejo.

Sonoma, Solano, and Napa Counties,

and, in Contra Costa County:

Rodeo-Crockett, Hercules, Pinole (including Tara Hills), San Pablo, Richmond (including El Sobrante), El Cerrito, Martinez (including Vine Hills), Pleasant Hill (including Pacheco), Lafayette, Orinda, and Moraga. East Richmond Heights with Richmond and El Cerrito spheres.

WESTERN DISTRICT

Golden Gate Bridge, San Francisco-Oakland Bay Bridge (shared), Richmond-San Rafael Bridge (shared), Port of San Francisco, and San Francisco International Airport.
Marin County and San Francisco City and County, and in San Mateo County:
Pacifica, Daly City, Brisbane, South San Francisco, Colma, San Bruno, Millbrae, Hillsborough, and Burlingame. Also in San Mateo County unincorporated area: San Bruno Mountain

INNER DISTRICT

San Francisco-Oakland Bay Bridge (shared), San Mateo-Hayward Bridge, Port of Oakland, and Oakland International Airport.

In Contra Costa County:

Walnut Creek, Alamo-Blackhawk (including Diablo), Danville (including nonresidential Blackhawk), and San Ramon (including Dougherty Valley).

In San Mateo County:

Foster City, San Mateo (including the Highlands), Skyline, Half Moon Bay, Half Moon Bay unincorporated, San Mateo County unincorporated South Coast, Belmont, and San Carlos.

In Alameda County:

Oakland, Piedmont, Albany, Berkeley, Emeryville, San Leandro, Castro Valley, Hayward, San Lorenzo, Ashland, Alameda, Cherryland-Fairview, and unincorporated Ridgeland east of Hayward to Pleasanton.

